

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

RECEIVED

AUG - 7 2003

DOCKETED

AUG 08 2003

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

CIVIL ACTION

JUDGE LINDBERG

NO.

03C 5487

(Case number will be supplied by the assignment clerk)

MAGISTRATE JUDGE LEVIN

DIANE PARKS

(Name of the plaintiff or plaintiffs)

V.

THE UNIVERSITY OF CHICAGO

SHEILA HOHMANN

VERA DRAGISICH

JOANNE MILKOWSKI

(Name of the defendant or defendants)

COMPLAINT OF EMPLOYMENT DISCRIMINATION

1. This is an action for employment discrimination.

2. The plaintiff is DIANE PARKS of
the county of COOK in the state of ILLINOIS.

3. The defendant is THE UNIVERSITY OF CHICAGO, who
resides at (street address) 956 EAST 58th STREET
(city) CHICAGO (county) COOK (state) ILLINOIS (ZIP) 60637
(Defendant's telephone number) (773) - 702-8900

H

- 4) The plaintiff sought employment or was employed by the defendant at

(street address) 5735 S. Ellis Ave

(city) Chicago (county) Cook (state) Illinois (ZIP code) 60637

5. The plaintiff [check one box]

- (a) ☐ was denied employment by the defendant.
(b) ☒ was hired and is still employed by the defendant.
(c) ☐ was employed but is no longer employed by the defendant.

6. The defendant discriminated against the plaintiff on or about, or beginning on or about,
(month) FEBRUARY, (day) 04, (year) 2003.

7. (a) The plaintiff [check one box] ☐ has not filed a charge or charges against the defendant
☒ has
asserting the acts of discrimination indicated in this complaint with any of the following
government agencies:

(i) ☒ the United States Equal Employment Opportunity Commission on or about
(month) MARCH (day) 17 (year) 2003.

(ii) ☐ the Illinois Department of Human Rights on or about
(month) _____ (day) _____ (year) _____.

- (b) If charges were filed with an agency indicated above, a copy of the charge is

attached. ☒ YES ☐ NO

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

8. (a) ☐ the United States Equal Employment Opportunity Commission has not issued a
Notice of Right to Sue.

(b) ☒ the United States Equal Employment Opportunity Commission has issued a *Notice of Right to Sue*, which was received by the plaintiff on (month) JULY

(day) 10 (year) 2003 a copy of which *Notice* is attached to this complaint.

9. The defendant discriminated against the plaintiff because of the plaintiff's [check all that apply]

- (a) ☐ Age (Age Discrimination Employment Act).
- (b) ☐ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (c) ☒ Disability (Americans with Disabilities Act)
- (d) ☐ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (e) ☒ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (f) ☐ Religion (Title VII of the Civil Rights Act of 1964)
- (g) ☐ Sex (Title VII of the Civil Rights Act of 1964)

10. The plaintiff is suing the defendant, a state or local government agency, for discrimination on the basis of race, color, or national origin (42 U.S.C. §1983).

☒ YES ☐ NO

11. Jurisdiction over the statutory violation alleged is conferred as follows: over Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); over 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; over the A.D.E.A. by 42 U.S.C. §12117.

12. The defendant [check all that apply]

- (a) ☐ failed to hire the plaintiff.
- (b) ☐ terminated the plaintiff's employment.
- (c) ☐ failed to promote the plaintiff.
- (d) ☐ failed to reasonably accommodate the plaintiff's religion.
- (e) ☒ failed to reasonably accommodate the plaintiff's disabilities.
- (f) ☒ other (specify): Harassment (See Attached)

Title VII of the Civil Rights Act of 1964

13. The facts supporting the plaintiff's claim of discrimination are as follows:

See Attached

14. [AGE DISCRIMINATION ONLY] Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.

15. The plaintiff demands that the case be tried by a jury.



YES



NO

16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff [check all that apply]

(a) ☐

Direct the defendant to hire the plaintiff.

(b) ☐

Direct the defendant to re-employ the plaintiff.

(c) ☐

Direct the defendant to promote the plaintiff.

(d) ☐

Find that the defendant failed to reasonably accommodate the plaintiff's religion.

(e) ☐

Find that the defendant failed to reasonably accommodate the plaintiff's disabilities.

(f) ☐

Direct the defendant to (specify): _____

(g) ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.

(h) ☒ Grant such other relief as the Court may find appropriate.

(Plaintiff's signature)

Diane Parks

(Plaintiff's name)

Diane Parks

(Plaintiff's street address) 4901 South Drexel Blvd #335

(City) Chicago (State) Illinois (ZIP) 60615

(Plaintiff's telephone number) (773) - 548-8494

CHARGE OF DISCRIMINATION

AGENCY CHARGE NUMBER

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

☐ FEPA
☒ EEOC

210A302436

Illinois Dept. of Human Rights and EEOC
State or local Agency, if any

NAME (Indicate Mr., Ms., Mrs.)

Ms. Diane Parks

HOME TELEPHONE (Include Area Code)

(773) 548-8494

STREET ADDRESS

CITY, STATE AND ZIP CODE

DATE OF BIRTH

901 South Drexel Blvd., Apt. 335, Chicago, IL 60615

11/14/1954

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME

NUMBER OF EMPLOYEES, MEMBERS

TELEPHONE (Include Area Code)

The University Of Chicago

Cat A (15-100)

(773) 702-8900

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

956 East 58th Street, Chicago, IL 60637

031

NAME

TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

☒ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☐ RETALIATION ☐ AGE ☒ DISABILITY ☐ OTHER (Specify)DATE DISCRIMINATION TOOK PLACE
EARLIEST LATEST

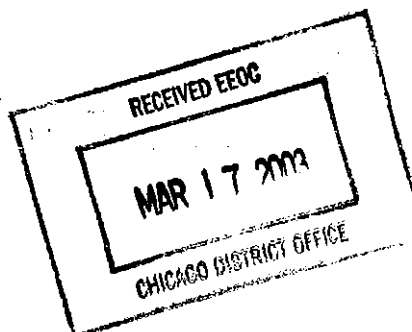
02/28/2002 02/04/2003

☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):

I. I was hired by the above named Respondent on September 16, 1998. In 1999, I was promoted to the position of Project Assistant. In October, 2002, I was diagnosed with a disability. On October 31, 2002 through December 31, 2002, I was off from work due to my disability. On January 2, 2003, I returned to work. Since I have advised the Respondent of my disability, I have been harassed in that I was accused of refusing to discuss my whereabouts with my supervisor regarding my absence of February 5, 2003. I have received two disciplinary notices, most recently on February 4, 2003.

II. I believe that I have been discriminated against on the basis of my race, black in violation of Title VII of the Civil Rights Act of 1964, as amended and because of my disability in violation of the Americans with Disabilities Act of 1990.



I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - (When necessary for State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

I declare under penalty of perjury that the foregoing is true and correct.

SIGNATURE OF COMPLAINANT

Date

3-17-03

Charging Party (Signature)

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(Month, day and year)

Equal Employment Opportunity Commission

DISMISSAL AND NOTICE OF RIGHTS

To: Diane Parks
901 South Drexel Blvd., Apt. 335
Chicago, IL 60615

From: Equal Employment Opportunity Commission
Chicago District Office
500 West Madison Street, Suite 2800
Chicago, IL 60661-2511

CERT. MAIL #: 7099 3400 0006 7302 0282 C/P

☐ On behalf of a person aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))

Charge No.
210A302436

EEOC Representative
Regina Husar, Enforcement Supervisor

Telephone No.
(312) 353-0819

(See the additional information attached to this form.)

YOUR CHARGE IS DISMISSED FOR THE FOLLOWING REASON:

- ☐ The facts you allege fail to state a claim under any of the statutes enforced by the Commission
- ☐ Respondent employs less than the required number of employees.
- ☐ Your charge was not timely filed with the Commission, i.e., you waited too long after the date(s) of the discrimination you alleged to file your charge. Because it was filed outside the time limit prescribed by law, the Commission cannot investigate your allegations.
- ☐ You failed to provide requested information, failed or refused to appear or to be available for necessary interviews/conferences, or otherwise refused to cooperate to the extent that the Commission has been unable to resolve your charge. You have had more than 30 days in which to respond to our final written request.
- ☐ The Commission has made reasonable efforts to locate you and has been unable to do so. You have had at least 30 days in which to respond to a notice sent to your last known address.
- ☐ The respondent has made a reasonable settlement offer which affords full relief for the harm you alleged. At least 30 days have expired since you received actual notice of this settlement offer.
- ☒ The Commission issues the following determination: Based upon the Commission's investigation, the Commission is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- ☐ Other (briefly state) _____

- NOTICE OF SUIT RIGHTS -

- ☒ Title VII and/or the Americans with Disabilities Act: This is your NOTICE OF RIGHT TO SUE, which terminates the Commission's processing of your charge. If you want to pursue your charge further, you have the right to sue the respondent(s) named in your charge in a court of competent jurisdiction. If you decide to sue, you must sue WITHIN 90 DAYS from your receipt of this Notice; otherwise your right to sue is lost.
- ☐ Age discrimination in Employment Act: This is your NOTICE OF DISMISSAL OR TERMINATION, which terminates processing of your charge. If you want to pursue your charge further, you have the right to sue the respondent(s) named in your charge in a court of competent jurisdiction. If you decide to sue, you must sue WITHIN 90 DAYS from your receipt of this Notice; otherwise your right to sue is lost.
- ☐ Equal Pay Act (EPA): EPA suits must be brought within 2 years (3 years for willful violations) of the alleged EPA underpayment.

May 29, 2003

On behalf of the Commission

John P. Rowe, Jr.
John P. Rowe, District Director

Enclosures

Information Sheet
Copy of Charge

cc: Respondent(s) The University of Chicago



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Chicago District Office

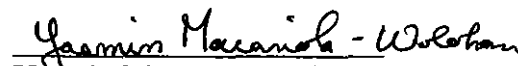
500 West Madison St., Suite 2800
Chicago, IL 60661
PH: (312) 353-2713
TDD: (312) 353-2421
ENFORCEMENT FAX: (312) 886-1168
LEGAL FAX: (312) 353-8555

July 10, 2003

Diane Parks
4901 South Drexel Blvd., Apt. 335
Chicago, IL 60615

On May 29, 2003 the Dismissal and Notice of Rights to Sue was sent certified mail to Charging Party at the following address: 901 South Drexel Blvd., Apt. 335 Chicago, IL 60615. On July 10, 2003 it was discovered that this was the incorrect address and that Charging Party's actual address is 4901 South Drexel Blvd., Apt. 335 Chicago, IL 60615. On July 10, 2003 Charging Party retrieved a copy of her Dismissal and Notice of Rights to Sue in person.


Diane Parks
Charging Party


Yasmin Macariola-Wolohan
Federal Investigator

ATTACHMENT

12. (f) other(specify)

(13) The facts supporting the plaintiff's claim of discrimination

On October 31, 2002 I was diagnosed with a Mental Condition (Major Depression Disorder) Short Term Disability was applied for and approved from November 01, 2002 thru January 01, 2003, Respondent was advised of my disability. I have been Harassed since my return to work on January 02, 2003. On February 06, 2003 my supervisor accused me of insubordination for refusing to discuss my whereabouts regarding my absence of February 05, 2003, I explained my whereabouts to my supervisor, also I submitted a doctors statement upon my return February 06, 2003. Disciplinary Action was taken against me on February 04, 2003 for two personal business phone calls the Respondent received on November 19, 2002 while I was on disability leave. On April 18, 2003 the Respondent called me a RAT. On April 22, 2003 Short Term Disability was applied for and approved thru August 18, 2003. Disciplinary Action was taken against me on June 11, 2003 while on disability leave.

On February 28, 2002 Disciplinary Action was taken against me for conducting personal business in violation of Respondents policies. Disciplinary was taken against me on February 04, 2003 for conducting personal business in violation of Respondents policies the Respondent received two personal business phone calls while I was on disability leave. On May 20, 2002 Respondents knowingly without Disciplinary Action allowed a white co-worker to sell potted plants which I have receipt of purchase, on October 07, 2002 with Respondent knowingly without Disciplinary Action allowed same white co-worker to sell raffle tickets-which I have receipt of purchase.